

DETAILED ACTION

Office action mailed 10/19/10 is vacated. After further consideration, the rejection below is set forth.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 11-16, 8-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ergashev et al. (SU 937436; 6/23/82), Karner (DE 19523334; 7/4/94) or Karner (EP 1186581; 3/13/02). Each reference teaches a method of applying to a granulated fertilizer bacteria (abstracts). Neither of the references teaches the application rate of fertilizer being less than 3 liters bacterial ferment per ton of granular fertilizer. It would have been obvious to one having ordinary skill in the art to term the optimum application rate. One would have been motivated to do this in order to produce a product that would have been most effective in promoting plant growth. Since the preparation of the granule in the prior art and instant claims is the same, it is automatic that the bacteria in all inventions would have no lag time upon re-hydration.

Telephonic Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALTON N. PRYOR whose telephone number is (571)272-0621. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alton N. Pryor/

Primary Examiner, Art Unit 1616